

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITING PROCEDURE
EXAMINING GROUP (2829)

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To: Examiner Jimmy Nguyen	Total Pages Sent: 3
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

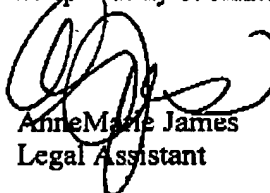
Applicants: Schneegans, et al. Docket No.: 2001 P 17353 US
Serial No: 10/826,954 Art Unit: 2829
Date Filed: April 15, 2004
Title: Probe Needle for Testing Semiconductor Chips and Method for Producing Said Probe Needle

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306 on the date shown above:

- Certification of Facsimile Transmission (1 page)
- Request to Withdraw Premature Final Rejection (2 pages)

Respectfully submitted,


AnneMarie James
Legal Assistant

Confirmation Respectfully Requested

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Request to Withdraw Premature Final Rejection

Dear Sir:

Applicants respectfully request that the finality of the rejection mailed on June 13, 2005 be withdrawn as being premature. The relevant facts are as follows:

1. The present application was filed on April 15, 2004 and included claims 1-20. Among these was claim 6, which depended from claim 5, which in turn depended from claim 1.
2. On December 6, 2004, an Office Action was mailed. In this Action, claims 1-20, including claim 6, were rejected under 35 U.S.C. § 102(e) as being anticipated by Kim, et al.
3. On March 7, 2005, Applicants responded to the Office Action by, amongst other things, placing claim 6 in independent form. The scope of claim 6 was not changed in any way by that amendment.
4. On June 13, 2005, claim 6, along with the other pending claims, was rejected as being anticipated by Smith, et al. The rejection in view of Kim was withdrawn.

Applicants respectfully submit that this final rejection is premature and requests that it be withdrawn. A final rejection is improper when an Examiner introduces a new ground of rejection that is neither necessitated by Applicants' amendment of the claims, nor based on information submitted in the Information Disclosure Statement, filed by the period set forth in 37 C.F.R. 1.97c. MPEP § 706.07(a). In this case, Applicants merely rewrote a dependent claim into independent form. Since this amendment did not change the scope of the claim, it could not necessitate the ground. Further, the newly cited Smith reference was not provided by the Applicants. No Information Disclosure Statement was filed after the March 7, 2005 Amendment.

Therefore, it is respectfully submitted that the final rejection is premature and should be withdrawn.

Respectfully submitted,



Ira S. Matsil
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June 24, 2005
Date

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